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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,066	11/25/2003	Christoph Klukowski	2003_1554A	4200

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EXAMINER
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BOES, TERENCE

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/720,066

Applicant(s)

KLUKOWSKI ET AL.

Examiner

Terence Boes

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 13 and 22-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/28/2004 and 11/25/2003</u>                                 | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 9-12, 14-21, and 28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 09/06/2006.

### *Specification*

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The translated specification does not appear to contain an English language title. The current title appears to be "Verstellbare lenksaule" although this does not appear in the specification nor is it in English. Appropriate correction is required.

3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use. Specifically, the specification does not contain the appropriate section headings.

### Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

4. The abstract of the disclosure is objected to because the recitation "... (fig 4.)...", appearing at the bottom of the abstract is superfluous, unnecessary and may be a typographical error. Correction is required. See MPEP § 608.01(b).

### **Claim Rejections - 35 USC § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-8, 13, and 22-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-8, 13, and 22-27 are written in generally narrative form making it unclear which elements/steps are being positively recited and which should be given patentable weight. The examiner suggests rewriting the claims in accordance with 37 CFR 1.75(i) so as to make clear what elements/steps are being positively recited and what should be given patentable weight. As written the claims are unclear and indefinite.

The claims are replete with grammatical errors and indefinite language to numerous to list in their entirety. What follows are a few examples. The examiner suggests rewriting the claims to correct for grammatical errors and indefinite language.

- The recitation "...and in the at least one side wall..." appearing in claim 1 line 11, renders the claim indefinite. Is applicant claiming a tension bolt penetrating openings in the at least one side wall, or rather, is applicant claiming at least one side wall for at least one adjustment direction? This appears to be a run-on sentence rendering the claim indefinite.

- The recitations "...this adjustment direction..." appearing in claim 1 lines 14 and 25, render the claim indefinite. Which adjustment direction is applicant referring to? Is applicant referring to the telescoping adjustment direction, or rather, is applicant referring to the tilting adjustment direction? The examiner notes the recitation also appears in claims 2,
- Claim 1 recites the limitation "these two parts" in line 15. There is insufficient antecedent basis for this limitation in the claim.
- The recitation "...the other of these two parts..." appearing in claim 1, line 15, renders the claim indefinite. Which of these two parts is applicant referring?
- Claim 1 recites the limitations "that cited part" in lines 21 and 24. There is insufficient antecedent basis for this limitation in the claim. Furthermore, it is indefinite as to which part is being referred to. Is applicant referring to the side wall, or rather, is applicant referring to the shell unit? The examiner further notes that the limitations of the reference characters are not read into the claims. The recitation also appears in claims 2, 3, and 6.
- The recitations "...one the one hand..." and "...on the other hand..." appearing claim 1, lines 23-24 are narrative and confusing rendering the claim indefinite.
- The recitation "...before and after..." in claim 22, line 2, renders the claim indefinite. Is applicant referring to the front and rear of the side wall, or

rather, is applicant referring to the engagement functioning situations, for example, before and after engagement?

- Claim 23 recites the limitation "the front and rear edges" in line 5. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-8, 13, and 24-27 , as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Lutz US 6,095,012.

Lutz discloses:

- a steering spindle (6),
- a shell unit (5) bearing the steering spindle,
- a console unit (1) stationary on the chassis, with at least one side wall (3) which extends laterally along the shell unit and supports the shell unit,
- a securement device (10, 11, 17) which can be opened and closed,
- in the closed state of which the shell unit is unadjustably connected with the console unit through securing elements (11, 17) engaging one another,

- in the opened state of which the shell unit is adjustable relative to the console unit in at least one adjustment direction and which encompasses a tension bolt (10) penetrating openings in the shell unit and in the at least one side wall, for at least one adjustment direction
- a tilting part (21), which is supported either displaceably relative to the side wall (3)
- or relative to the shell unit in this adjustment direction, and which is connected with the other of these two parts (5) nondisplaceably in this adjustment direction,
- wherein with a torsion entailed in a deformation of the steering column, of at least the segment of the shell unit in the proximity of the side wall relative to the side wall about an axis of rotation, parallel to the tension bolt and located in the proximity of the securement device, an entrainment takes place of the tilting part by that cited part with which it is connected unadjustably in this adjustment direction, and clamping edges (clamping edges are considered to be the contact surfaces of the tilting part (21)) and clamping faces (clamping faces are considered to be the contact surface of side wall 3) of, on the one hand, the tilting part and, on the other hand, of that cited part relative to which the tilting part is supported adjustably in this adjustment direction, engage one another (parts engage one another via securement parts (11, 17), whereby the displaceability of the tilting part in this adjustment direction is inhibited. (Regarding the



foregoing recitation, while features of an apparatus may be recited either structurally or functionally, claims directed to >an< apparatus must be distinguished from the prior art in terms of structure rather than function. Therefore, claim 1 is rejected since all claim limitations have been met as disclosed above (see MPEP 2114).

- the tilting part is a separate structural part connected with that cited part with which it is connected nondisplaceably in this adjustment direction, is connected via at least one engagement element (25) with at least two engagement points being provided spaced apart from one another (see figure 4).
- the clamping edges are provided on the tilting part and the clamping faces are provided on that cited part, relative to which the tilting part is supported displaceably in this adjustment direction (tilting part can be displaced relative to cited part when lever is open position).
- the steering column is adjustable at least in its height and at least a tilting part is provided acting in the direction of height adjustment (see figure 1)
- the steering column is adjustable in the axial direction of the steering column as well as also in height (see slots 16 and 20 in figure 1).
- the tilting part relative to that cited part with which it is connected nondisplaceably in the adjustment direction, in which this tilting part (21) is effective, is supported displaceably in the other adjustment direction (tilting

part can be supported either displaceably or nondisplaceably depending on position of adjustment lever).

- the tilting part is connected with the shell unit nondisplaceably in the direction of height adjustment and is supported displaceably relative to the side wall in the direction of height adjustment (tilting part can be supported either displaceably or nondisplaceably depending on position of adjustment lever).
- the tilting part has a central opening (see figures 3, 5) through which penetrates the tension bolt
- the tilting part is disposed on the outside of the side wall (see figure 3).
- the console unit comprises side walls extending bilaterally along the shell unit, between which the shell unit is guided (see figure 3).
- the tension bolt penetrates both side walls through openings (see figure 1).
- the securing elements of the securement device are at least partially formed by the friction faces of plates sandwich-like interdigitating one another, wherein plates (12, 18, plates are connected in that they function together) connected with the shell unit as well as also plates (12, 18) connected with the console unit are provided.
- for the mutual engagement of the securing elements a tensioning device, actuatable by a tension lever (23), for the tension bolt is provided.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 22 and 23, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lutz US 6,095,012 in view of Manwaring et al. US 6,419,269.

Lutz discloses all of the claimed subject matter as described above. Lutz does not disclose a tilting part comprising engagement elements which overlap front and rear edges of a side wall.

Manwaring et al. teach a tilting part (82) comprising engagement elements (86, and two protrusions extending from 82 into the sidewall) which overlap front and rear edges of a side wall (see figures 2, 4, 5, and 6) for the purpose of preventing a securement nut from rotating (C4/L5-7), thus more securely locking a steering column rake and telescoping adjustments (C3/L50-55), thus improving safety.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Lutz and provide a tilting part comprising engagement elements which overlap front and rear edges of a side wall, as taught by Manwaring et al., for the purpose of preventing a securement nut from rotating, thus more securely locking a steering column rake and telescoping adjustments, thus improving safety.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terence Boes whose telephone number is (571) 272-4898. The examiner can normally be reached on Monday - Friday 9:00 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TB  
10/13/06



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